UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,542	12/19/2001	Reynaldo Gil	24298-81001	2451

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EXAMINER
JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/028,542	GIL ET AL.
Office Action Summary	Examiner	Art Unit	
	Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 061006

DETAILED ACTION

1.   This Final Office Action is in response to the communication received March 27, 2006.

Claims 1-50 are pending in the application.

Response to Arguments

2.   Applicant's argument with regard to claims 1, 17, and 38, has overcome the 35 USC 112,

second paragraph rejection.

3.   Applicant's arguments with regard to the 35 USC 102 rejection of claims 1-20, 22-50

have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-20, 22-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Stowell et

al "Stowell" (U.S. 20020099579).

As per claim 1, Stowell discloses an event-monitoring architecture for performance-based

supply chain management. In so doing, Stowell discloses receiving a request for the transaction

from an end-user or the partner [Paragraph 66], accessing real-time data relevant to the

transaction from an existing partner system [Paragraph 26], generating a context for the

transaction using the real-time data [Paragraph 0182], and processing the request in the context

for the transaction [Paragraph 31].

As per claim 2, Stowell further discloses the method of claim 1, wherein said accessing

comprises communicating with a partner coordinator component integrated with the existing

partner system [Paragraph 0140].

As per claim 3, Stowell further discloses the method of claim 1, wherein the real-time

data comprises transaction data specifying a status for the transaction [Paragraph 0163].

As per claim 4, Stowell further discloses the method of claim 1, wherein the real-time

data comprises reference data relating to the partner [Paragraph 0121]

As per claim 5, Stowell further discloses the method of claim 1, wherein accessing

comprises receiving the real-time data in extensible markup language (XML) format [Paragraph

0135].

As per claim 6, Stowell further discloses the method of claim 5, further comprising

converting the real-time data into a format usable by a network system, the network system

operable to maintain the context for the transaction [Paragraph 0135].

As per claim 7, Stowell further discloses the method of claim 1, further comprising

maintaining a context for the transaction at a network system [See Figure 2].

As per claim 8, Stowell further discloses the method of claim 7, further comprising:

identifying the context for the transaction based upon the request, and routing the request for

processing of the transaction [Paragraph 0104].

As per claim 9, Stowell further discloses the method of claim 1, further comprising

sending a response to the request to the end-user or the partner [Paragraphs 0124-0125).

As per claim 10, Stowell further disclose the method of claim 1, wherein processing comprises initiating a workflow for the transaction at a network system [Paragraphs 0187).

As per claim 11, Stowell further discloses the method of claim 10, wherein the workflow comprises a plurality of tasks to be performed by the enterprise or partner in order to fulfill the transaction [Paragraphs 0187).

As per claim 12, Stowell further discloses the method of claim 11, wherein processing comprises notifying the partner of any tasks to be performed by the partner [Paragraphs 0152).

As per claim 13, Stowell further discloses the method of claim 10, wherein processing comprises initiating at least one process manager routine for managing the workflow [Paragraphs 0187).

As per claim 14, Stowell further discloses the method of claim 11, wherein the workflow comprises a routing workflow for routing the request to the enterprise or the partner for performance of the tasks [Paragraphs 0105, and Paragraph 0067).

As per claim 15, Stowell further discloses the method of claim 1, wherein processing comprises alerting the partner or the enterprise [Paragraphs 0029-0030).

As per claim 16, Stowell further discloses the method of claim 1, wherein processing comprises monitoring a service level associated with the transaction [Paragraphs 0141).

Claims 17, 18, and 19 contains similar limitations of rejected claims 1, 2, and 3 above; therefore, claims 17, 18, and 19 are rejected under the rationale relied upon of claims 1, 2, and 3.

As per claim 20, Stowell further discloses the system of claim 17, further comprising a database operable to maintain the context for the transaction [Paragraphs 0022].

As per claim 22, Stowell further discloses the system of claim 17, wherein the real-time data is accessed in extensible markup language (XML) format [Paragraph 0135].

As per claim 23, Stowell further discloses the system of claim 22, wherein said processing facility is operable to convert real-time data into a format usable by the system [Paragraph 0135].

As per claim 24. Stowell further discloses the system of claim 22, wherein the processing facility is operable to send a response to the request to the end-user or the partner [Paragraphs 0124-0125].

As per claim 25, Stowell further disclose the system of claim 17, wherein the processing facility is operable to initiate a workflow for the transaction at a network system [Paragraph 0187].

As per claim 26, Stowell further disclose the system of claim 25, wherein the workflow comprises a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the transaction [Paragraph 0187].

As per claim 27, Stowell further disclose the system of claim 26, wherein the processing facility is operable to notify the partner of any tasks to be performed by the partner [Paragraph 0152].

As per claim 28, Stowell further disclose the system of claim 25, wherein the processing facility is operable to initiate at least one process manager routine for managing the workflow [Paragraphs 0105, and Paragraph 0067].

As per claim 29, Stowell further discloses the system of claim 26, wherein the workflow comprises a routing workflow for routing the request to the enterprise or the partner for

performance of the tasks [Paragraphs 0105, and Paragraph 0067].

As per claim 30, Stowell further discloses the system of claim 17, wherein processing

facility is operable to alert the partner or the enterprise [Paragraphs 0029-0030]..

As per claim 31, Stowell further discloses the system claim 17, wherein the processing

facility is operable to monitor a service level associated with the transaction [Paragraphs 0141].

As per claims 32-35, 38-40, Stowell discloses a database operable to store real-time data

relating to the one or more transactions, the database operable to maintain a respective context

for each transaction [Paragraphs 0185], and an execution process engine operable to execute a

respective workflow in the context for each transaction using the real-time data, each workflow

comprising a plurality of tasks to be performed by the enterprise or the partner in order to fulfill

the respective transaction [Paragraphs 0024, 0067 and 0185].

As per claim 36, Stowell discloses the system of claim 32, wherein each workflow

comprises a process for transforming the real-time data according to a business policy between

the enterprise and the partner [Paragraphs 0061].

As per claim 37, Stowell discloses the system of claim 32, wherein the database is

operable to maintain one or more business policies relating to the partner [Paragraphs 0024].

Claim 41 recite the same limitations of rejected claim 1 above; therefore claim 41 is

rejected under the same rationale relied upon of claim 1. In addition, Stowell discloses a

network gateway. Note abstract and Paragraph 0031 of Stowell.

As per claim 42, Stowell further discloses wherein the network execution component

executes at least one process workflow operable to transform the real-time data relevant to the

transaction based on business rules for the supply chain [Paragraph 0154].

As per claim 43, Stowell further discloses wherein the network domain gateway comprises a transport component operable to send or receive one or more messages related to the transaction [Paragraph 0189].

As per claim 44, Stowell further discloses wherein the network domain gateway comprises a gateway router component operable to route one or more messages relating to the transaction between the existing system of a partner and an existing system of the enterprise [Paragraph 0189].

As per claim 45, Stowell further discloses wherein the gateway router component is operable to perform context-based routing of messages related to the transaction [Paragraph 0154].

As per claim 46, Stowell further discloses further comprising a messaging system operable to generate one or more messages for the real-time data and to route the messages within the network system [Paragraph 0189].

As per claim 47, Stowell further discloses wherein the network execution component is operable to manage at least one process workflow for the transaction [Paragraphs 0187].

As per claim 48, Stowell further discloses further comprising a database operable to store the real-time data [Paragraphs 0022].

As per claim 49, Stowell further discloses the network system of claim 48 wherein the database is operable to store a context for the transaction [Paragraphs 0022].

As per claim 50, Stowell further discloses the network system of claim 48, wherein the database is operable to store one or more policy rules that govern the transaction [Paragraphs 0128 and 0148].

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stowell (U.S.

20020099579).

As per claim 21, Stowell discloses the use of a database but fails to explicitly disclose

wherein said database comprises a relational database. However, the use of a relational database

for storing data is notoriously old and well known in the database art. It would have been

obvious to a person of ordinary skill in the art at the time of the applicant's invention to have

modified the disclosures of Stowell to incorporate a relational database because it would allow a

user to manipulate the data more efficiently.

Remarks

8.   Applicants asserted that Stowell fails to teach the claimed invention. Applicants further

supported their assertion by arguing that Stowell does not teach real time data. Applicants

continues to argue that Stowell does not appear to teach generating and maintaining a context. In

response, the examiner respectfully disagrees because Stowell does teach the concept of allowing

parties to communicate in real time (i.e. an agent detects that the shipment exceeded the commit

date specified, then a pXML message is sent to the performance management system. The

performance management system in returns generates an alert message to the market maker to alert the market maker that the reseller had not fulfilled the order according the commit date). Note paragraphs 0189 and 0190 of Stowell.

Applicants further argued on page 3 that *context* refers to service request, name and addresses of the partners in the transaction. Stowell clearly teaches a request, and name of buyers that is made known to partners, which teaches applicants' claimed "context". Applicant is directed to paragraph 0124 of Stowell.

In response to applicants' arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the context being purchase order, sevice request, installation request, warranty order, replacement order......, the names, addresses, and contact information of the partners involved in the transaction....shipped product, made to service call to end-user's location, complete installation of new product...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants further argued on page 4 that the paragraph cited by the examiner does not appear to include a teaching for translating a document from one format to another format capable of being read by a partner system. In response, the examiner respectfully disagrees because Stowell does teach the concept of collecting data in XML and translates the data. Note paragraphs 0131-0133 of Stowell.

Applicants further argued on page 4 that the paragraph cited by the examiner does not teach the storage of real-time. Again, the examiner respectfully disagrees because Stowell does

teach database storage for storing real time data partners utilizing the system. Note paragraph 0124 of Stowell.

Applicants further argued that it is not apparent that the cited reference teaches an ececution process engine operable to execute a respective workflow in the context for each transaction using the real-time data. In response, the examiner respectfully disagrees because Stowell does teach an event workflow for executing transaction data in real time. Applicants are directed to paragraphs 0187 and 0190 of Stowell.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 12, 2006

Romain Jeanty
Primary Examiner
Art Unit 3623